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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,027	01/17/2006	Michael Freimuth	32860-00905/US	8483
30596 7590 06/12/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O.BOX 8910 RESTON, VA 20195				
EXAMINER				
DUVERNE, JEAN F				
ART UNIT		PAPER NUMBER		
2839				
MAIL DATE		DELIVERY MODE		
06/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,027

Applicant(s)

FREIMUTH ET AL.

Examiner

Jean F. Duverne

Art Unit

2839

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 10, 12-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-10, 12-20, 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-10, 12-20, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggert et al (US patent 5,629,831).

In regard to claims 1, 6, 14, 22-25, Eggert's device a modular device with a module (2) discloses a housing (see figs. 1-2) at least one module location at 15; at least one connection module arrangeable at the module location including a connection device; a contact means or connection lines at 19, 11, 12, 14 connection module the contact means with guiding features for contacting with the opposing contact means at 25 or 15; and an insulating means arranged at least of an end and longitudinal side at 30 on at least one the contact means and the opposing means covering the contact means on at least one end of the longitudinal side at 30. The term "for" with accompanied term as also recited in the claim is a functional limitation and has not been given any patentable weight because it's narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC 112, 6th paragraph, and must supported by recitation in claim of sufficient structure to warrant the presence of the functional language. In re Fuller, 1929 C. D. 172; 388 O. G. 279.

However, Eggert's device fails to explicitly disclose the arrangement of the contact. It would have been obvious to one having ordinary skill in the time the invention was made to arrange the contacts in certain fashion, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70. It would have been obvious to one having ordinary skill in the time the invention was made to arrange the contacts in certain fashion in order to meet the system specification and requirement.

In regard to claim 2, 15, 26, Eggert's device discloses the aforementioned limitations including the insulating housing base at 3 with the insulating bracket.

In regard to claims 3, 5, 12-13, Eggert's device discloses the aforementioned limitations including the insulating housing base at 3 integrated means as a plug in the housing.

In regard to claims 4, 16-19, Eggert's device discloses the aforementioned limitations including the integrated means as being parallel and perpendicular to the longitudinal side (see figs. 1-2).

In regard to claims 7, 20 Eggert's device discloses the aforementioned limitations including the retaining means (see figs. 1-2).

In regard to claims 8 and 10, Eggert's device discloses the aforementioned limitations including the alignment or coding means (see figs. 1-2).

Response to Amendment

Applicant's arguments filed with the amendment on 04/23/2008 have been fully considered but they are not persuasive. The claims do not define structural structure features that distinguish over prior art: For example, Eggert's device a modular device discloses a housing (see figs. 1-2) at least one module location at 15; at least one connection module arrangeable at the module location including a connection device; a contact means per connection module the contact means for contacting with the opposing contact means and an insulating means arranged at least of an end and longitudinal side on at least one the contact means and the opposing means covering the contact means on at least one end of the longitudinal side (see the above rejection). The term "for" with accompanied terms as stated above is narrative in form and does add any patentability the claims limitations. The arrangement of the module or contacts is considered as an obvious variation (see the above rejection).

.Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2839

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFD

/Jean Frantz Duverne/
Primary Examiner, Art Unit 2839

06/08/2008